

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

## City of Medina Shoreline Master Program

### Periodic Review Checklist

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#### Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

#### How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

**At the beginning:** Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

**At the end:** Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

*Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.*

Row	Summary of change	Review	Action
2017			
a.	Washington State Office of Financial Management (OFM) adjusted the <b>cost threshold for substantial development</b> to \$7,047.	Medina Municipal Code (MMC) 20.70.040, Substantial development permit exemption, references WAC 173-27-040, which adjusts automatically for inflation. This is referenced in the SMP by MMC 20.62.020, Permitted uses, prohibited uses.	No action necessary.
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	<p>MMC 20.60.213 “D” Definitions includes the following for “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level.</p> <p>Ecology suggested language. “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. <u>“Development” does not include dismantling or removing structures if there is no other associated development or re-development.</u></p>	No action necessary.

Row	Summary of change	Review	Action
		After discussion with the City, Ecology's language related to exempting dismantling/removal of overwater/shoreline structures from the scope of a shoreline "development" is only suggested. Because such work necessarily occurs in the shoreline zone and impacts of removal can be significant in and of themselves, the City may wish to take a more protective stance and continue to require SDPs for such work.	
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA</b> .	There is not a section dedicated to exceptions.	<b>Mandatory:</b> MMC 20.62, Shoreline Use Regulations, should be updated with a subsection that refers directly to exceptions in WAC 173-27-044, and -045, as amended.
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	MMC Chapter 20.80, Project Permit Review Procedures, does not describe the filing process. However, the Administration subsection of the SMP (MMC 20.60.060) can introduce how date of filing applies to various shoreline permits.	<b>Recommended:</b> MMC 20.60.060 should be updated to state that filing with Ecology shall be done pursuant to WAC 173-27-130.
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	Under MMC 20.62.030, Shoreline use table, forest practices are a prohibited activity in all shoreline environments. This amendment does not apply.	No action necessary.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	No SMA lands in Medina are under "exclusive federal jurisdiction."	No action necessary.
g.	Ecology clarified "default" provisions for <b>nonconforming uses and development</b> .	MMC 20.60.223, "N" Definitions, defines "nonconforming structure" and "nonconforming use." MMC 20.66.090,	No action necessary.

Row	Summary of change	Review	Action
		Nonconforming development, addresses regulations for nonconforming structures, nonconforming uses, and nonconforming lots.	
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	This is optional and the current SMP does not address the periodic review provision. The SMP (MMC 20.81) does reference WAC 173-26 for amendment procedures.	No action necessary.
<b>i.</b>	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	The SMP does not include updates to this process. The SMP (MMC 20.81) does reference WAC 173-26 for amendment procedures.	No action necessary.
<b>j.</b>	<b>Submittal</b> to Ecology of proposed SMP amendments.	This is optional and the SMP does not address the process for SMP amendments. The SMP (MMC 20.81) does reference WAC 173-26 for amendment procedures.	No action necessary.
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	MMC 20.70.040, Substantial development exemption, references WAC 173-27-040, which lists this exemption.	No action necessary.
<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	MMC 20.67.070(B) lists the outdated version of the Washington State Wetlands Identification and Delineation Manual, though it states "as revised." Table 20.67.070(C), Wetland categories, references point values associated with the outdated rating system. Table 20.67.070(E), Wetland Buffer Widths, references habitat point values associated with the outdated rating system.	<b>Mandatory:</b> Amend MMC 20.67.070(B) to reference the 2014 wetlands rating system; amend Table 20.67.070(C) to reference point values associated with the 2014 wetland ratings system; amend Table 20.67.070(E) to reference habitat point values associated with the 2014 wetlands rating system.

Row	Summary of change	Review	Action
<b>2015</b>			
<b>a.</b>	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	This is optional and the SMP does not address the process for WSDOT projects.	No action necessary.
<b>2014</b>			
<b>b.</b>	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$22,500 <sup>1</sup> (from 10,000) and all freshwater docks to \$11,200.	MMC 20.70.040, Substantial development exemption, references WAC 173-27-040, which lists SDP exemptions.	No action necessary.
<b>c.</b>	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	MMC Table 20.62.030, Shoreline use table, does not allow residential uses in aquatic shoreline designations. Therefore, this regulation does not apply. No floating residences exist in Medina.	No action necessary.
<b>2013 – no applicable legislative actions</b>			
<b>2012</b>			
<b>a.</b>	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	The Medina SMP does not address the SMP appeal process directly, but MCC 20.60.030 references WAC 173-26, which includes the SMP appeal procedures.	No action necessary.
<b>2011</b>			
<b>a.</b>	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	MMC 20.67.070(D), Mapping, states “The exact location of a wetland’s boundary shall be determined through the performance of a field investigation by a qualified professional in accordance with the <b>approved federal wetland delineation manual</b> and applicable regional supplements set forth in WAC 173-22-035.”	No action necessary.

<sup>1</sup> Based upon OFM Notice of Substantial Development Dollar Threshold Adjustment in accordance with RCW 90.58.030 (3)(e)(vii), effective November 4, 2018.

Row	Summary of change	Review	Action
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	There are no marine shorelines within City limits. Therefore, this rule does not apply.	No action necessary.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	The City has no floating homes. Therefore, this new definition does not apply.	No action necessary.
d.	The Legislature authorized a new <b>option to classify existing residential structures as conforming</b> .	MMC 20.66.090, Nonconforming development, establishes legally established structures that are nonconforming can be expanded, so long as they do not increase the non-conformance. The legislative option would allow existing legally established non-conforming residential structures to become conforming. The City did not include this allowance as part of the 2014 SMP update and rather kept the non-conforming rules in MMC 20.66.090.	No action necessary.
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	MMC already contains references to “no net loss” in MMC 20.67, Critical Areas in the Shoreline. The SMP does not reference the SMP Amendment process directly; MMC 20.60.030(C) references WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines.	No action necessary.
2009			
a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.	The SMP does not address such relief procedures.	<b>Recommended:</b> Reference the relief procedures under MMC 20.63, Shoreline General Development Standards. Example language from Ecology is as follows: The City may grant relief from shoreline master program development standards and use

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			regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	The rule currently exists in the SMP, codified in MCC 20.67.70(O)(7), Wetland Mitigation Banks.	No action necessary.
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Moratoria procedures are not required to be included in SMP. The City may rely on statute: WAC 173-27-085 if they choose to include this provision at a later date.	<b>Recommended</b> Add section that incorporates moratoria by using Ecology's example wording.
<b>2007</b>			
a.	The Legislature clarified options for defining " <b>floodway</b> " as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	<p>There are no FEMA mapped floodways within shoreline jurisdiction and Frequently Flooded Areas are not included as a critical area per the City's critical areas regulations. Note, under MMC 20.65.215, "F" Definitions, "Floodway" is not defined. This section does define "floodplain" and "flood protection elevation:"</p> <p>"Floodplain" is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. "Flood protection elevation" means the elevation that is one foot above the base flood elevation. This is a reference to the existing FEMA maps.</p> <p>Ecology gives the City two options, to either 1) define the floodway under a biological definition under RCW 90.50.030(2)(b)(ii) or 2) utilize</p>	No action necessary.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
		<p>existing FEMA maps to define the floodway which is ultimately derived from flood modeling.</p> <p>MMC 20.67.080(C), Geologically hazardous areas, Mapping, adopts Federal Emergency Management Administration flood insurance maps.</p>	
<b>b.</b>	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.	20.60.050, Applicability, lists Lake Washington and 20.61.020, Shoreline jurisdiction and shoreline map, provides a map of the City's shoreline jurisdiction.	No action necessary.
<b>c.</b>	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.	MMC 20.70.040, Substantial development exemption, references WAC 173-27-040, which lists this exemption.	No action necessary.